IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

WP(C).No. 30073 of 2004(E)

PETITIONER:

JAMEELA PANELS AND VINEERS,
VALAPATTANAM, REP. BY ITS MANAGING PARTNER,
T.V.ISMAIL HAJI, MILL ROAD, VALAPATTANAM,
KANNUR DISTRICT.

BY ADV. SRI.P.M.PAREETH

RESPONDENTS:
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1. KERALA STATE ELECTRICITY BOARD,
REP. BY ITS SECRETARY, VYDHYUTHI BHAVANAM,
PATTOM, THIRUVANANTHAPURAM.

2. DEPUTY CHIEF ENGINEER,
KERALA STATE ELECTRICITY BOARD, VIDHYUTHI BHAVANAM
ELECTRICAL CIRCLE, KANNUR-2.

3. ASSISTANT ENGINEER,
KERALA STATE ELECTRICITY BOARD,ELECTRICAL SECTION,
AZHEEKODE, KANNUR.

4. SENIOR SUPERINTENDENT,
KERALA STATE ELECTRICITY BOARD, ELECTRICAL SECTION,
AZHEEKODE, KANNUR.

BY ADV. SRI.JOSE J.MATHEIKEL SC KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE PHOTOCOPY OF THE BILL DATED 23.4.2004 FOR RS. 360838/- ISSUED BY THE 4TH RESPONDENT.

EXT.P2: TRUE PHOTOCOPY OF THE BILL DTD. 23.4.2004 FOR RS.6156/- ISSUED BY THE 4TH RESPONDENT.

EXT.P3: TRUE PHOTOCOPY OF THE RDER CALLED LOW TENSION TARIFF ISSUED BY THE FIRST RESPONDENT WHICH TOOK EFFECT FROM 01.10.2002.

EXT.P4: TRUE PHOTOCOPY OF THE METER READING DETAILS ISSUED BY SUB-ENGINEER IN-CHARGE, ELECTRICAL SECTION, AZHIKODE FOR 8/02 TO 12/03 OF PETITIONER.

EXT.P5(a): TRUE PHOTOCOPY OF MONTHLY BILL FOR 8/02 ISSUED TO PETITIONER BY 4TH RESPONDENT DATED 17.09.2002.

EXT.P5(b): TRUE PHOTOCOPY OF MONTHLY BILL FOR 1/2003 ISSUED TO THE PETITIONER BY 4TH RESPONDENT DATED 24.2.2003.

EXT.P5(c): TRUE PHOTOCOPY OF MONTHLY BILL FOR 2/2003 ISSUED TO PETITIONER BY 4TH RESPONDENT DATED 24.3.2003.

EXT.P6: TRUE COPY OF APPEAL FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT AGAINST EXHIBITS-P1, AND P2 DATED 15.5.2004.

EXT.P7: TRUE PHOTOCOPY OF THE SITE MAHAZAR DATED 04.01.2003 PRODUCED BY THE RESPONDENTS.

EXT.P8: TRUE PHOTOCOPY OF THE LETTER DTD. 10.01.2003 ISSUED BY THE SUB-ENGINEER IN-CHARGE TO THE PETITIONER.

EXT.P9: TRUE PHOTOCOPY OF THE ORDER NO. EB1/5/2004-05/2203 DATED 25.9.2004 ISSUED BY THE 2ND RESPONDENT.

/True Copy/

P.A to Judge.

KURIAN JOSEPH , J

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W.P.(C) NO. 30073 OF 2004

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Dated this the 11th day of July, 2007.

JUDGMENT

The petitioner is aggrieved due to penal action on the ground that the petitioner failed to segregate the load for light from the power load. There is also a case that the petitioner did not install adequate capacitors. According to the petitioner, there can be no penalty for non installation of capacitors in view of the Board order dated 17.03.2004 referred to in another case of the very same appellate authority in its order dated 28.04.2006. It is also submitted that during the disputed period the load was below 5 per cent. These aspects are not seen referred to in Ext.P9 appellate order passed by the 2nd respondent. I quash Ext.P9 order with a direction to the 2nd respondent to consider the matter afresh in the light of the two particular aspects referred to above, with notice to the petitioner and pass fresh order within four months from the date of receipt of a copy of this judgment.

The writ petition is disposed of accordingly.

KURIAN JOSEPH, JUDGE.

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